

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KENNETH G. MCDONALD,

Plaintiff,

v.

BRIAN WILLIAMS et al.,

Defendants.

Case No. 2:17-cv-03066-RFB-DJA

ORDER

This matter is before the Court on Plaintiff's Motion for Access to Use Law Library and Receive Time for Exercise (ECF No. 57), filed on January 12, 2021. Defendants filed a Response (ECF No. 61) on January 26, 2021. Plaintiff requests that the Court order that NDOC employees allow him access to the law library for one and half hour per day, two days a week, and to give him outdoor exercise time for one hour per day, five days a week. Defendants contend that Plaintiff's request should be denied because he has been transferred to SDCC. The Court agrees that Plaintiff's transfer to another facility moots his request. Further, his request is improper as it is not related to the merits of the action and he fails to cite to appropriate points and authority to support his request.

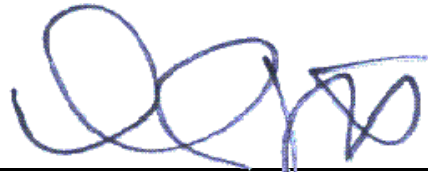
This matter is also before the Court on Plaintiff's Motion to Order Defendants to Answer Complaint (ECF No. 58), filed on January 12, 2021. Plaintiff claims that his case survived screening and a motion to dismiss. (ECF No. 43). He seeks to have Defendants file an Answer to the surviving part of his operative Complaint – his claim for injunctive relief. To date, no response has been filed. The Court will not order the remaining Defendants to file an Answer. It is Defense Counsel's responsibility to manage their litigation strategy and monitor all deadlines. As such, the Court leaves it to Defendants to preserve their defenses.

Accordingly,

1           **IT IS HEREBY ORDERED** that Plaintiff's Motion for Access to Use Law Library  
2 and Receive Time for Exercise (ECF No. 57) is **denied as moot**.

3           **IT IS FURTHER ORDERED** that Plaintiff's Motion to Order Defendants to Answer  
4 Complaint (ECF No. 58) is **denied**.

5           Dated: January 27, 2021.

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE